

U.S. Department of Justice  
United States Marshals Service

## PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal"  
on the reverse of this form.

MHN

PLAINTIFF		COURT CASE NUMBER
Dominick Giampaolo		07C7154
DEFENDANT		TYPE OF PROCESS
Terry McCann, et al.		S/C
SERVE		NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
→		Lt. Nurse, Correctional Lieutenant, Stateville Correctional Center
AT		ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
AT		SCC, C/O K. Sandlin, Legal Dept. P.O. Box 112, Joliet, IL 60434
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		
<input type="checkbox"/> Dominick Giampaolo, R-04860 Danville-DCR 3820 East main Street Danville, IL 61834		Number of process to be served with this Form - 285      1  Number of parties to be served in this case      16  Check for service on U.S.A.      0

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):  
 Fold

FILED

Fold

APR 02 2008 TG  
 4-2-2008  
 MICHAEL W. DOBBINS  
 CLERK, U.S. DISTRICT COURT.

Signature of Attorney or other Originator requesting service on behalf of:		<input checked="" type="checkbox"/> PLAINTIFF	TELEPHONE NUMBER	DATE
		<input type="checkbox"/> DEFENDANT		02-19-08

## SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. <i>(Sign only first USM 285 if more than one USM 285 is submitted)</i>	Total Process 3/16	District of Origin No. 24	District to Serve No. 24	Signature of Authorized USMS Deputy or Clerk	Td	Date 02-19-08
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I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
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Address (complete only if different than shown above)	Date of Service 3/21/08	Time am pm
<i>Received signed written from Lt. Nurse.</i>	<i>3/21/08</i>	
Signature of U.S. Marshal or Deputy <i>Michael W. Dobbins</i>		

Service Fee	Total Mileage Charges (Including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS: *M.C.M. w/warren 7007-0710-0000-9600-0980*

## UNITED STATES DISTRICT COURT

(DISTRICT)

## Waiver of Service of Summons

TO: Dominick Giampaolo

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Lt. Nurse

(DEFENDANT NAME)

acknowledge receipt of your request that I waive

service of summons in the action of Dominick Giampaolo vs. Terry McCann, et al.

(CAPTION OF ACTION)

which is case number 07C7154

(DOCKET NUMBER)

in the United States District Court for the

Northern District of Illinois

(DISTRICT)

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after February 19, 2008

(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

3/21/08

DATE

Jeffrey Nurse

SIGNATURE

Printed/Typed Name:

Jeffrey Nurse

As

TITLE

of

CORPORATE DEFENDANT

## Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown to its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

AO440 (REV. 1/90) Summons in a Civil Action

**United States District Court**  
Northern District of Illinois

**SUMMONS IN A CIVIL ACTION**

DOMINICK GIAMPAOLO,

Plaintiff

VS.

TERRY McCANN; LT. DOUGLAS; LT. NURSE;  
OFFICER JOSEPH; OFFICER HOPKINS;  
OFFICER EGBE; OFFICER HESTER;  
LT. GARBY; LT. JACKSON; OFFICER  
BUSH; LT. FRANKLIN; OFFICER HAWK;  
MEDICAL TECHNICIAN WHITE;  
MEDICAL TECHNICIAN BOB (LNU);  
OFFICER PHELPS; LT. WRIGHT

Defendants.

CASE NUMBER: 07 cv 7154

ASSIGNED JUDGE: JOHN W. DARRAH

DESIGNATED MAGISTRATE JUDGE: COLE

2008 FEB 19 PM 2:14

TO: (Name and Address of Defendant(s))

Lt. Nurse

**YOU ARE HEREBY SUMMONED** and required to file with the Clerk of this Court and serve upon pro se plaintiff:

Name           Dominick Giampaolo (R-04860)  
Address       Danville - DCR  
                 3820 East Main Street  
                 Danville, IL 61834

an answer to the complaint which is herewith served upon you, within [20] days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

MICHAEL W. DOBBINS, CLERK

FEB 14 2008

CYNTHIA D. YOUNG

Date

Deputy Clerk

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me:	DATE	
3/21/08		
NAME OF SERVER (Print)	TITLE	
Kathy Sandlin Lit. Coord.		
<i>Check one box below to indicate appropriate method of service:</i>		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>PO Box 112, Whetzel</u>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>3/21/08</u> <u>Kathy Sandlin</u> Date Signature of Server</p> <p><u>PO Box 112, Whetzel</u> Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.